

ENTERED

April 13, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re Alexander E. Jones, Debtor,	Bankruptcy Case No. 22-33553 (CML) Chapter 11
In re Free Speech Systems LLC, Debtor,	Bankruptcy Case No. 22-60043 (CML) Chapter 11
Neil Heslin, Scarlett Lewis, Leonard Pozner, Veronique De La Rosa, and Estate of Marcel Fontaine, Plaintiffs, v. Alexander E. Jones and Free Speech Systems LLC, Defendants.	Adv. Pro. No.: 23-03034 (CML) Adv. Pro. No. 23-03036 (CML)
David Wheeler, Francine Wheeler, Jacqueline Barden, Mark Barden, Nicole Hockley, Ian Hockley, Jennifer Hensel, Donna Soto, Carlee Soto-Parisi, Carlos M. Soto, Jillian Soto Marino, William Aldenberg, William Sherlach, Robert Park, and Richard M. Coan, as chapter 7 trustee for the estate of Erica Lafferty, Plaintiffs, v. Alexander E. Jones and Free Speech Systems LLC, Defendants.	

STIPULATION AND AGREED ORDER ABATING FSS ADVERSARY PROCEEDINGS

This stipulation and agreed order (“Stipulation and Agreed Order”) is made by and between debtor Free Speech Systems, LLC (“FSS”), the Texas Plaintiffs,¹ and the Connecticut Plaintiffs in the above-captioned cases:

WHEREAS, on July 29, 2022, FSS filed a voluntary petition for relief under Chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) with the United States Bankruptcy Court for the Southern District of Texas (the “Court”) (Bankruptcy Case No. 22-60043 (CML));

WHEREAS, on December 2, 2022, Alexander E. Jones (“Jones”) filed a voluntary petition for relief under the Bankruptcy Code with the Court (Bankruptcy Case No. 22-33553 (CML));

WHEREAS, on March 10, 2023, the Texas Plaintiffs filed adversary proceedings against FSS and Jones, (Adv. Pro. Nos.: 23-03034 and 23-03035 (together, the “Texas Plaintiffs’ Adversary Proceedings”));

WHEREAS, on March 10, 2023, the Connecticut Plaintiffs filed adversary proceedings against FSS and Jones, (Adv. Pro. Nos.: 23-03036 and 23-03037 (together, the “Connecticut Plaintiffs’ Adversary Proceedings,” and with the Texas Plaintiffs’ Adversary Proceedings, the Adversary Proceedings”));

WHEREAS, on March 24, 2023, the Texas Plaintiffs and Connecticut Plaintiffs filed the Texas and Connecticut Plaintiffs’ Motions;

WHEREAS, on April 4, 2023, the Court held a hearing on the Texas and Connecticut Plaintiffs’ Motions;

¹ Defined terms used, but not defined herein, have the meanings ascribed to them in *Emergency Motion of the Texas Plaintiffs for Entry of an Order (A) Scheduling Certain Dates and Deadlines, (B) Establishing Certain Protocols in Connection with Such Hearings, and (C) Granting Related Relief* [Docket No. 7 in Adv. Pro. Case Nos. 23-03034 (CML) and 23-03035 (CML)] (the “Texas Plaintiffs’ Motion”) and the *Emergency Motion of the Connecticut Plaintiffs for Entry of an Order (A) Scheduling Certain Dates and Deadlines, (B) Establishing Certain Protocols in Connection with Such Hearings, and (C) Granting Related Relief* [Docket No. 16 in Adv. Pro. Case Nos. 23-03036 (CML) and 23-03037 (CML)] (the “Connecticut Plaintiffs’ Motion,” and together with the Texas Plaintiffs’ Motion, the “Texas and Connecticut Plaintiffs’ Motions”)

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND SO ORDERED:

1. Adversary Proceedings 23-03034 and 23-03036 (together, the “FSS Adversary Proceedings”) shall be abated until the earlier of fourteen (14) days after the Fifth Circuit Court of Appeals issues a decision in, or declines to hear, the appeal certified on February 2, 2023 in *Avion Funding, LLC v. GFS Industries, LLC*, Case No. 23-90009.
2. Jones and FSS shall not argue that the pendency of the Adversary Proceedings prohibits the Texas Plaintiffs and/or the Connecticut Plaintiffs from taking any discovery outside of the Adversary Proceedings that they would otherwise be entitled to take pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure and Local Rule 2004-1 of the United States Bankruptcy Court for the Southern District of Texas.
3. By entry of this Order, the Connecticut Plaintiffs and the Texas Plaintiffs hereby dismiss Jones, without prejudice, from the FSS Adversary Proceedings.
4. For the avoidance of doubt, the Texas Plaintiffs and Connecticut Plaintiffs agree not to assert that FSS is estopped from relitigating matters that are litigated in the Jones Adversary Proceedings (Case Nos. 23-03035 and 23-03037) while the FSS Adversary Proceedings are abated.
5. This Stipulation and Agreed Order shall not be modified, altered, amended, or vacated without the prior written consent of FSS, the Texas Plaintiffs, and Connecticut Plaintiffs, and any such amendment, modification or alteration, in whole or in part, shall be subject to the approval of the Court.
6. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Stipulation and Agreed Order.

THE FOREGOING STIPULATION IS SO ORDERED:

Signed: April 13, 2023


Christopher Lopez
United States Bankruptcy Judge

AGREED IN FORM AND SUBSTANCE:

Dated: April 12, 2023

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing stipulation has been served on counsel for FSS and Jones and all parties receiving or entitled to notice through CM/ECF on this 12th day of April, 2023.

/s/ Ryan E. Chapple _____
Ryan E. Chapple